

MANDATE
United States Court of Appeals
For the First Circuit

CA: 04-10421
J. Tanno
Papers to
follow

No. 05-2323

ITV DIRECT, INC.; DIRECT FULFILLMENT, LLC,

Plaintiffs, Appellants.

CAPPSEALS, INC.,

Intervenor-Plaintiff, Appellee,

v.

HEALTHY SOLUTIONS, LLC, A California Limited Liability Corp.,
d/b/a Direct Business Concepts; HEALTH SOLUTIONS, INC., A California Corp.;
ALEJANDRO GUERRERO, individually and as a Member of Healthy Solutions, LLC, and as
Officer and Director of Health Solutions, Inc., MICHAEL HOWELL, individually and as a
Member of Healthy Solutions, LLC, and as Officer and Director of Health Solutions, Inc.; GREG
GEREMESZ, individually and as a Member of Healthy Solutions, LLC, and as Officer and
Director of Health Solutions, Inc.; DOES 1-10, INCLUSIVE,

Defendants, Appellees.

JUDGMENT

Entered: April 17, 2006

This cause came on to be heard on appeal from the United States District Court for the District of Massachusetts and was argued by counsel.

Upon consideration whereof, it is now here ordered, adjudged and decreed as follows: The decision of the district court is affirmed.

By the Court:

**Certified and Issued as Mandate
under Fed. R. App. P. 41.**

Richard Cushing Donovan, Clerk

Richard Cushing Donovan
Deputy Clerk

Date: MAY 08 2006

Richard Cushing Donovan

Richard Cushing Donovan, Clerk

[cc: Mr. Levin, Mr. Kelly, Mr. Silverman, Ms. Cataldo, Mr. Antonelli, Ms. Gelwick, Mr. Brooks, Mr. Robertson and Mr. Larkin]